

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Civil No. 21-cv-1445 (DSD/ECW)

Plaintiff,

v.

**ANSWER AND DEMAND
FOR JURY TRIAL**

MARK A. MILLER,

Defendant.

The Defendant, Mark Allen Miller, hereinafter “Miller,” hereby provides to the best of his ability the following Answer and responses to the allegations in the Plaintiff’s Complaint and alleges any affirmative defenses:

Nature of the Action

Miller denies paragraph 1 only to the extent he denies hijacking five of the “Issuer” companies. He admits the balance of the paragraph.

Miller denies paragraph 2 or has insufficient knowledge to either admit or deny this paragraph as alleged.

Paragraphs 3, 4, 5, and 6 are admitted.

Miller denies paragraph 7 because he has insufficient knowledge to either admit or deny this paragraph as alleged.

Miller admits his violation of 15 U.S.C. §78 j(b) consistent with his plea agreement. He denies the balance of the paragraph.

Jurisdiction and Venue

Paragraphs 9, 10, and 11 are admitted.

Defendant

Paragraph 12 is admitted.

Related Entities

Paragraphs 13 through 19 are admitted.

Facts

Miller denies paragraph 20 as it relates to SMEV. The balance of the paragraph is admitted.

Paragraphs 21 through 32 relating to DIGI are admitted.

Paragraphs 33 through 50 relating to ECMH are admitted.

Paragraphs 51 through 64 relating to BLLB are admitted.

Paragraphs 65 through 74 relating to UITA are admitted.

Paragraphs 75 and 76 relating to SMEV are admitted.

Miller denies paragraphs 77 through 84 relating to SMEV or does not have sufficient information to either admit or deny these paragraphs.

Paragraph 85 relating to SMEV is admitted.

Miller denies paragraph 86, but admits he did provide some consulting services.

Paragraphs 87 through 89 relating to LEAS are admitted.

Miller denies paragraphs 90 through 107 relating to LEAS or has insufficient information to either admit or deny the paragraphs as alleged.

Paragraph 108 relating to LEAS is admitted.

Paragraphs 109 through 111 relating to BBDA are admitted.

Miller denies paragraphs 112 through 114 relating to BBDA or has insufficient information to either admit or deny these paragraphs as alleged.

Paragraph 115 relating to BBDA is admitted.

Miller denies paragraphs 116 through 119 or has insufficient information to either admit or deny these paragraphs as alleged.

Allegation re: Ill-gotten Gains

Miller denies paragraphs 120 and 121.

Claims for Relief

COUNT I

Miller maintains his admissions and denials relating to paragraphs 1 through 121 in response to paragraph 122.

Miller admits paragraphs 123 through 124 to the extent these paragraphs are consistent with the plea agreement in his companion criminal case. Miller denies paragraph 125 as it alleges he must be enjoined or he will again violate the enumerated statutes and rules, but he admits the violation pursuant to 15 U.S.C. §78 j(b) consistent with his plea agreement.

COUNT II

Miller maintains his admissions and denials relating to paragraphs 1 through 121 in response to paragraph 126.

Miller admits paragraphs 127 and 128 to the extent these paragraphs are consistent with the plea agreement in his companion criminal case. Miller denies paragraph 129 as it alleges he must be enjoined or he will again violate the enumerated statutes and rules.

PRAAYER FOR RELIEF

I - VII

Miller denies the relief sought in these paragraphs except to the retention of equitable jurisdiction with this Court.

AFFIRMATIVE DEFENSES

Miller asserts the affirmative defense of collateral estoppel.

Respectfully submitted,

BEITO & LENGELING, P.A.

Date: August 31, 2023

By s/ Robert A. Lengeling

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